

**Serial No. 10/763,786****Atty. Doc. No. 2001P13794WOUS**

In the "Notice Regarding Benefit/Priority Claim(s)" mailed 4/29/2004, Applicants were advised that the prior-filed non-provisional application had been improperly indicated as a national stage application. To correct this error, applicants submitted a preliminary amendment on May 14, 2004, via facsimile (date stamped accordingly) and which was received by OIPE according to a second date stamp on May 17, 2004. That preliminary amendment is found in PAIR under the heading SPECIFICATION dated 05-14-2004. It is respectfully submitted that the preliminary amendment filed on May 14, 2004 is fully responsive to accord the application the benefit of the August 7, 2001 priority date, thereby eliminating the Omshehe reference as prior art for this application.

It appears that the Examiner may not be aware of this preliminary amendment because the Examiner has not mentioned it in the most recent office action. This may have resulted because the entire preliminary amendment is listed in PAIR under the heading SPECIFICATION.

The applicant does not understand the Examiner's comment about a seventeen month time period relative to the PCT filing. However, in view of the above, it is submitted that Examiner's comments are rendered moot by the Preliminary Amendment of record. If the examiner should require any further assistance or action on the part of the applicant to conform the application to requirements for establishing the desired priority date of August 7, 2001, the examiner is requested to telephone the undersigned attorney.

In view of the above, it is appears unnecessary to distinguish applicants' claims over the art applied in the most recent office action. However, applicants nonetheless note that even if the Omshehe reference was determined to be prior art, the reference still could not be a basis for rejecting any of the claims under Section 102 or Section 103. This is because the Omshehe reference does not relate to determination of a payment figure "from operations running in the process control system (claim 1) and does not determine "a payment figure ... using recorded data ..." e.g., based on a record of user activity. Rather the reference only appears to relate to concurrent use licenses, e.g., whether or not a user requires a license, and does not relate to calculating a payment figure based on user activity.

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Conclusion

For all of the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable. Accordingly, Applicants respectfully request that the Examiner remove the rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 5/11/07

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